



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/199,129

Filed: November 24, 1998

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: 1635

Examiner: K. LACOURCIE

Atty. Docket: 38-21(15075)B

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TECH CENTER 1600/2900
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**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed February 7, 2002, that resulted in Applicants having claims that have been twice or finally rejected.

Check number 158332 submitted herewith includes payment of the fee of \$ 320.00 for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)). In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for in the papers accompanying this Notice are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 13-4125 referencing docket number 38-21(15075)B. A duplicate copy of this Notice is attached.

05/07/2002 RMR:SI 00003037 03199129

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320.00 02

Respectfully submitted,

Lawrence M. Lavin, Jr.
by
Lawrence M. Lavin (Reg. No. 30,768)
by David R. Marsh (Reg. No. 41,408)

David R. Marsh

Date: May 6, 2002

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May 6, 2002

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Commissioner for Patents
Washington, DC 20231

Re: U.S. Application No. 09/199,129
Filed: November 24, 1998
Title: Nucleic Acid Molecules and Other Molecules Associated
with Plants
Inventors: Joseph R. BYRUM *et al.*
Atty. Docket: 38-21(15075)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences;
2. Check No. 158332 in the amount of \$320.00 for the notice of appeal fee; and
3. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicants do not believe that any fees other than the notice of appeal fee (\$320) are due in conjunction with this filing. If, however, any additional fees are due in conjunction with this filing, including any extension of time fees required to prevent abandonment, then such extension is hereby petitioned and the Commissioner is hereby authorized to charge the fees to Arnold & Porter Deposit Account No. 50-1824 referencing docket number 38-21(15075)B. A duplicate copy of this letter is enclosed.

Very truly yours,

David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)

Enclosures